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WARNER BROS. ENTERTAINMENT INC.

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 RUSSELL GREEN,
13 Plaintiff,

14 vs.

15 WARNER BROS.
16 ENTERTAINMENT, INC.;
17 WARNER BROS. ANIMATION,
INC.; LORIANA SHEDLOCK;
BOBBIE PAGE; AND DOES 1-10,
INCLUSIVE,

18 Defendants.
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Case No.

State Case No. 18STCV10045

**NOTICE OF REMOVAL OF CIVIL
ACTION TO FEDERAL COURT**

[Filed concurrently with:
(1) Civil Cover Sheet;
(2) Declaration of Esra A. Hudson;
(3) Corporate Disclosure Statement;
(4) Notice of Interested Parties; and
(5) Notice to Adverse Parties]

Action filed: December 27, 2018

1 **TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL**
 2 **DISTRICT OF CALIFORNIA, AND TO PLAINTIFF AND HIS COUNSEL**
 3 **OF RECORD:**

4 **PLEASE TAKE NOTICE** that Defendant Warner Bros. Entertainment Inc.
 5 (“Defendant”), by and through its counsel, hereby removes this action originally
 6 filed in the Superior Court for the State of California, County of Los Angeles, Case
 7 No. 18STCV10045 (“State Court Action”), to the United States District Court for
 8 the Central District of California. Defendant removes this action pursuant to 28
 9 U.S.C. §§ 1441 and 1446, on the basis of federal question subject matter
 10 jurisdiction under 28 U.S.C. § 1331, and states the following grounds for removal:

11 **PROCEDURAL BACKGROUND**

12 1. Plaintiff Russell Green (“Plaintiff”) initiated the State Court Action
 13 against Defendant by filing an unverified complaint in the Superior Court for the
 14 State of California, County of Los Angeles, Case No. 18STCV10045
 15 (“Complaint”).

16 2. Copies of all process, pleadings, or orders filed in the State Court
 17 Action are attached as Exhibit A to the concurrently filed Declaration of Esra A.
 18 Hudson. Exhibit A constitutes the complete record of all records and proceedings
 19 in the State Court Action within the meaning of 28 U.S.C. § 1446(a).

20 3. Defendant was first served with the summons and complaint on
 21 January 2, 2019. Removal in this action is therefore timely, in that Defendant has
 22 filed this Notice of Removal within 30 days of receiving the summons and
 23 complaint. *See* 28 U.S.C § 1446(b)(1).

24 4. Three other defendants have been named in the Complaint, including
 25 Warner Bros. Animation Inc., and individuals Loriana Shedlock and Bobbie Page.
 26 However, as of the date of this Notice of Removal, only Defendant has been served
 27 with a copy of the summons and complaint, and none of Warner Bros. Animation
 28 Inc., Loriana Shedlock, or Bobbie Page have been properly joined and served

1 within the meaning of 28 U.S.C. § 1446(b).

2 5. Defendant removes this case under 28 U.S.C. § 1441(a) as an action
3 over which this Court has federal question jurisdiction pursuant to 28 U.S.C. §
4 1331, because it arises under the Americans with Disabilities Act of 1990 (“ADA”),
5 42 U.S.C. §§ 12101 *et seq.*

6 NATURE OF THE CASE

7 6. Plaintiff alleges that he is a qualified individual with a disability under
8 the ADA. (Complaint, ¶¶ 102, 103.) Specifically, “[s]uch disability, in each
9 instance, involved a series of emotional distress and psychological damage which
10 substantially limited Plaintiff’s mental and physical ability to perform their normal
11 job duties without a reasonable accommodation.” (Complaint, ¶ 102.) Plaintiff
12 further alleges that he “was subject to disparate treatment, harassment and a hostile
13 work environment by the Defendants on an ongoing basis until, at the latest, such
14 time as the Corporate Defendant constructively and/or actually terminated
15 Plaintiff’s Employment.” (Complaint, ¶ 102.)

16 8. Plaintiff also alleges that he “notified Defendants of both each
17 disability, in writing and verbally, which imposed separate duties on Defendants to
18 engage in a good faith interactive process and to make reasonable accommodations
19 ... under the ADA.” (Complaint, ¶ 102.) Additionally, Plaintiff alleges that
20 “Defendants failed and refused to engage in a good-faith, interactive process and
21 failed and refused to offer and/or maintain a reasonable accommodation to
22 Plaintiff.” (Complaint, ¶ 103.) Finally, Plaintiff alleges that “Defendants failed and
23 refused to address such complaints and/or any other discriminatory conduct ...
24 intentionally harassed, mistreated and created an even more hostile environment ...
25 and retaliated against” Plaintiff. (Complaint, ¶¶ 11-12.)

26 9. In the Complaint, Plaintiff asserts six causes of action against
27 Defendant: (1) “Employment Discrimination (Race) – Hostile Environment,” (2)
28 Employment Discrimination (Race) – Disparate Treatment,” (3) “Employment

Discrimination (Retaliation),” (4) “Employment Discrimination (Unlawful Harassment,” (5) “Wrongful/Constructive Termination,” and (6) “Employment Discrimination (Disability).” For Plaintiff’s sixth cause of action, Plaintiff alleges he “was not afforded the benefit of ... [the] ADA as it related to such Plaintiff’s disability.” (Complaint, ¶ 105.)

10. Plaintiff seeks general and special damages, punitive damages, attorneys’ fees and costs, interest, and other affirmative relief as the Court deems just and proper. (Complaint, Prayer for Relief, ¶¶ 1-6.)

GROUND FOR REMOVAL

Removal Based on Federal Question Jurisdiction

11. An action “arises under” federal law within the meaning of 28 U.S.C. § 1331 if federal law creates the cause of action and/or grants federal jurisdiction to hear the case. Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg., 545 U.S. 308, 312 (2005). The plaintiff’s complaint controls whether federal jurisdiction exists, and any federal issue must be an essential element of the plaintiff’s cause of action. Franchise Tax Bd. of State of Cal. v. Constr. Laborers Vacation Trust for S. Cal., 463 U.S. 1, 10-11 (1983).

12. It is evident from the face of the Complaint that Plaintiff’s sixth cause of action is brought under the ADA, 42 U.S.C. §§ 12101 et seq., a federal statute over which federal courts properly exercise original jurisdiction under 28 U.S.C. § 1331. Since the above-described action arises under the employment title of the ADA § 102, 42 U.S.C. § 12111, this Court would have original jurisdiction of this action without regard to the amount in controversy, or diversity of citizenship; the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a).

Supplemental Jurisdiction Over State Law Causes of Action

13. Under 28 U.S.C. § 1367(a), the Court may exercise supplemental jurisdiction over “all other claims that are so related to claims in the action ... that they form part of the same case or controversy”

1 Dated: February 1, 2019

MANATT, PHELPS & PHILLIPS, LLP
Esra A. Hudson
Ryan P. Patterson
Briana D. Williams

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5 By: /s/ Esra A. Hudson
Esra A. Hudson
Attorneys for Defendants
6 WARNER BROS. ENTERTAINMENT
7 INC.
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PROOF OF SERVICE

I, Sharron Tarry, declare as follows:

I am employed in Los Angeles County, Los Angeles, California. I am over the age of eighteen years and not a party to this action. My business address is MANATT, PHELPS & PHILLIPS, LLP, 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On February 1, 2019, I served the within:

NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT

on the interested parties in this action addressed as follows:

Michael S. Traylor, Esq.
9018 Balboa Blvd., Suite 352
Northridge, CA 91325
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(BY MAIL) By placing such document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at Manatt, Phelps & Phillips, LLP, Los Angeles, California following ordinary business practice. I am readily familiar with the practice at Manatt, Phelps & Phillips, LLP for collection and processing of correspondence for mailing with the United States Postal Service, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.



(BY E- SERVICE) I caused each such document to be served by United States District Court - Central District using its electronic filing system, which will send notification of such filing to the e-mail addresses denoted on the case's Electronic Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 1, 2019, at Los Angeles, California.



Sharron Tarry

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